

# EXHIBIT 'A'



**Service of Process  
Transmittal**

10/23/2020

CT Log Number 538450444

**TO:** Sue Carlson  
Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403-2542

**RE: Process Served in Texas**

**FOR:** Target Corporation (Domestic State: MN)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** NORMA LINDA CIENFUEGOS, Pltf. vs. TARGET CORPORATION, Dft.

**DOCUMENT(S) SERVED:** -

**COURT/AGENCY:** None Specified  
Case # 2020DCL04809B

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Certified Mail on 10/23/2020 postmarked on 10/20/2020

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 10/23/2020, Expected Purge Date: 10/28/2020  
  
Image SOP  
  
Email Notification, Non Employee Litigation Target gl.legal@target.com

**SIGNED:** C T Corporation System  
**ADDRESS:** 1999 Bryan St Ste 900  
Dallas, TX 75201-3140

**For Questions:** 877-564-7529  
MajorAccountTeam2@wolterskluwer.com

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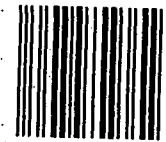
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Brownsville, Texas 78523

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TO:

CT Corporation System-Registered Agent  
Target Corporation  
1999 Bryan St, Suite 900  
Dallas, Texas 75201-3

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CITATION – PERSONAL SERVICE – TRCP 99

THE STATE OF TEXAS

2020-DCL-04809-B

Norma Linda Cienfuegos § IN THE 138TH DISTRICT COURT  
VS § OF  
Target Corporation § CAMERON COUNTY, TEXAS

TO Target Corporation  
May Be Served Through Its Registered Agent CT Corporation System  
1999 Bryan St Suite 900  
Dallas TX 75201-3136

**NOTICE TO DEFENDANT:** "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after the date you were served this citation and petition, a default judgment may be taken against you." TRCP. 99

You are hereby commanded to appear by filing a written answer to **Plaintiff's Original Petition And Request For Disclosure** at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable 138th District Court of Cameron County, at the Courthouse in said County in Brownsville, Texas. Said **Plaintiff's Original Petition And Request For Disclosure** was filed in said court on **October 07, 2020**, in the above entitled cause.

2020-DCL-04809-B

Norma Linda Cienfuegos vs. Target Corporation

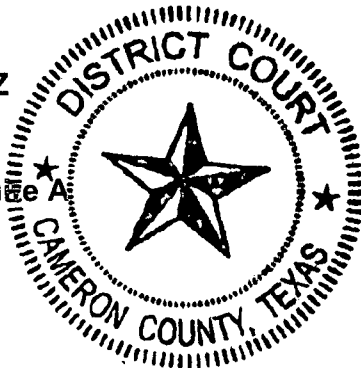
The nature of Petitioner's demand is fully shown by a true and correct copy of **Plaintiff's Original Petition And Request For Disclosure** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 8th day of October, 2020.

ATTORNEY:

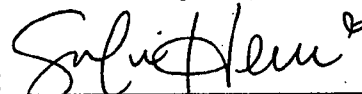
IGNACIO G. MARTINEZ  
24049105  
956-542-2264  
1205 N Expressway Suite A  
Brownsville TX 78520



**Elvira S. Ortiz**

District Clerk of Cameron County  
974 E Harrison St.  
Brownsville, Texas 78520

Signed: 10/8/2020 2:03:56 PM

By:   
Sofia Herrera, Deputy Clerk

Declarant/Authorized Process Server

CAUSE NO. 2020-DCL-04809

<b>NORMA LINDA CIENFUEGOS</b>	§	<b>IN THE COUNTY COURT</b>
<b>Plaintiff</b>	§	
	§	<b>NO. <u>Cameron County - 138th District Court</u></b>
<b>V.</b>	§	
	§	
<b>TARGET CORPORATION</b>	§	<b>CAMERON COUNTY, TEXAS</b>

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Norma Linda Cienfuegos hereinafter referred to as Plaintiff, complaining of and about Target Corporation, hereinafter referred to as Defendants, and for cause of action would respectfully show unto the Honorable Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

Pursuant to T.R.C.P. 190.4, these parties intend to conduct discovery in compliance with Level 2, and respectfully requests this Court to enter a docket control order in this matter.

**PARTIES AND SERVICE**

**Plaintiff** Norma Linda Cienfuegos a natural person and a resident of Cameron, County, Texas.

**Defendant** Target Corporation is a corporation authorized to and engaging in business in Texas with its main Address being 1000 Nicollet Mall TPN 0945 Minneapolis, MN 55403. Target Corporation may be served with process through its registered agent, C T Corporation System, 1999 Bryan St, Suite 900 Dallas, TX 75201-3136.

### **JURISDICTION AND VENUE**

The subject matter in controversy is within the jurisdictional limits of this court.

Plaintiff seek:

- a. Only monetary relief of \$250,001.00 or less, including damages of any kind; penalties, costs, expenses, pre-judgment interest, and attorney fees.

This court has jurisdiction over the parties because Defendant is authorized to and conducts business in the State of Texas.

Venue in Cameron County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

### **FACTS**

On or about October 7, 2018 Defendant is the owner in possession of the store front location Target, in Brownsville, Cameron County, Texas.

On or about October 7, 2018, Plaintiff Norma Linda Cienfuegos was a client at the Target located 301 Morrison Rd, Brownsville, Cameron County, Texas.

**PLAINTIFF**, Norma Linda Cienfuegos was walking the premises of Target when client tripped on an item thrown on the floor. Mrs. Cienfuegos incident was so sudden she was unable to identify the object. Plaintiff, Norma Linda Cienfuegos fell faced forward causing her to suffer injuries to her face, breaking four upper teeth, as well as breaking her right and left arm, collar bone, and severe bruising to her toe.

### **PREMISES LIABILITY NEGLIGENCE**

Plaintiff has a premises liability cause of action against Defendant because she meets the following elements:

- 1) Plaintiff was an invitee of the premises as a customer/client at the Defendant's place of service located at 301 Morrison Rd, Brownsville, Cameron County, Texas.
- 2) Defendant was the owner, occupier, controller, or possessor of the premises because Defendant controlled and supervised the premises on which the accident occurred; and
- 3) Plaintiff entered Defendant's premises in response to Defendant's invitation and for their mutual benefit. Accordingly, Plaintiff was an invitee.
- 4) Plaintiff's injuries and damages were caused by the conditions of the premises that posed an unreasonable risk of harm. Defendant's knew or should reasonably should have known the danger posed by the conditions of the premises.
- 5) Defendant had a duty to use ordinary care to ensure that Defendant's employees, agents or invitees did not present a danger to Plaintiff. This duty includes the duty to train its employees to assure that Defendant's patrons are safe and out of harm's way; the duty to exercise a degree of care to avoid harm to others under the circumstances. This includes the duty to inspect and the duty to warn or to cure. Defendant has a reasonable amount of time to identify and cure the condition before Plaintiff had tripped on Defendant's premises. Defendant breached the duty of ordinary care by failing to inspect the premises, warn of the dangers present and repair the premises, or remedy the dangerous conditions before Plaintiff was injured. At all material times Defendant, its agents, servants, or employees, breached its duty owed to Plaintiff by negligently maintaining its premises or remedy the condition that injured Plaintiff.



### NEGLIGENCE

Plaintiff has a negligence cause of action against Defendant because she meets the following required elements:

- a. Defendant owed a legal duty to Plaintiff;
- b. Defendant's employees, agents and representatives breached that duty; and
- c. The breach proximately caused Plaintiff's injuries.
- d. Defendant negligently and carelessly caused an unreasonable dangerous condition;
- e. Defendant negligently and carelessly maintaining its walkways;
- f. Defendant negligently and carelessly violated its own company policies and employee training;
- g. Defendant negligently and carelessly allowed the display of materials to be left unsecured on the walking path;
- h. Defendant negligently and carelessly allowed to properly inspect and maintain its premises to identify the unreasonable dangerous condition before the Plaintiff tripped.
- i. Defendant negligently and carelessly failed to take appropriate, corrective, or remedial action to prevent the unreasonably dangerous condition
- j. Defendant negligently and carelessly failed to place cones, signs, or otherwise warn or advise the Plaintiff of the unreasonably dangerous condition on the walking path; and
- k. Was otherwise negligent at the time and place complained of.

At all material times, Defendant knew or, in the exercise of reasonable care, should have known of the unreasonably dangerous and hazardous condition on its premises and/or the condition had existed for a sufficient length of time so that the Defendant knew or should have known of the condition and could have easily remedied the condition.

Given the nature and extent, Defendant allowed the unreasonably dangerous condition to remain in a high traffic area, and with knowledge of the foreseeable and likely injury to customers. Defendant's negligence amounted to recklessness and

indifference to the rights and safety of the public. Defendant's acts or omissions, or therefore, not only negligent, but grossly negligent.

As a direct and proximately result of the negligence and gross negligence of the Defendant, as alleged, Plaintiff tripped and fell and was caused to suffer bodily injuries and resulted in pain and suffering, disability, disfigurement, mental anguish, physical impairment, loss of capacity for the employment of life, and aggravations. These losses are either permanent or continuing in nature, and the Plaintiff will suffer such losses in the future. Further, Plaintiff will require future medical care and treatment as a result of Defendant's negligence.

Under the theory of *respondeat superior*, the above acts, errors and omissions of the Defendant and those of its agents, servants and employees constituted negligence and gross negligence. At all relevant times, Defendant's agents, servants and employees were acting in the course and scope of their employment with Defendant. Such negligence and gross negligence caused Plaintiff to sustain injuries and damages for which she now sues.

Defendant's breach of its duties proximately caused Mr. Smith to trip and fall, resulting in Plaintiff suffering injuries and damages.

### **ASSAULT**

Plaintiff alleges and incorporates by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

### **DAMAGES FOR PLAINTIFF**

As a result of Defendant's negligence, Plaintiff Norma Lunda Cienfuegos has sustained and in reasonable probability, will sustain in the future the following damages that exceed the minimum jurisdictional limits of the court:

- a. Pain and suffering in the past and that in reasonable probability will be sustained in the future;
- b. Mental anguish in the past and in reasonable probability will be sustained in the future;

- c. Reasonable and necessary medical expenses in the past and that in reasonable probability will be sustained in the future; and
- d. Loss of enjoyment of life in the past and that in reasonable probability will be sustained in the future.
- e. Physical impairment in the past and future.
- f. Medical expenses that in reasonable probability will be incurred in the future.

#### **RESERVATION OF RIGHTS**

Plaintiff reserves the right to prove the amount of damages at trial. Plaintiff also reserves the right to amend this petition to add additional counts as further discovery is completed and as her investigation continues.

#### **CONDITIONS PRECEDENT**

Pursuant to Rule 154 of the Texas Rules of Civil Procedure, all conditions precedent to Plaintiff's right to recover herein and to Defendant's liability have been performed or has occurred.

#### **JURY DEMAND**

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiff requests a trial by Jury. Simultaneously with the filing of Plaintiff's Original Petition, a jury fee was paid on behalf of Plaintiff.

### **REQUEST FOR DISCLOSURE**

Pursuant to Rule 194.2, Plaintiff propounds Request for Disclosure to Defendant herein. You are requested to disclose, within fifty (50) days of service of this Request for Disclosure the information or material as outlined in Rule 194.2.

### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff, respectfully request that the Defendant be cited to appear and answer herein, and that upon a final hearing of the case, judgment be entered for the Plaintiff against Defendant for damages as hereinabove set out in amounts to exceed those hereinbefore pled; for pre-judgment and post-judgment interest as allowed by law, for all costs of court and such other and further relief both general and special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

**The Law Office of Ignacio G. Martinez**

1205 N. Expressway, Suite A

Brownsville, Texas 78520

(956) 542-2264 (Telephone)

(956) 269-9007 (Facsimile)

[ignacio@martinezlegal.com](mailto:ignacio@martinezlegal.com)

[nora@martinezlegal.com](mailto:nora@martinezlegal.com)

[michelle@martinezlegal.com](mailto:michelle@martinezlegal.com)

*/s/ Ignacio G. Martinez*

BY: \_\_\_\_\_

IGNACIO G. MARTINEZ

STATE BAR NO. 24049105

ATTORNEY FOR PLAINTIFF

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

(2020-175)

CAUSE NO. 2020-DCL-04809

NORMA LINDA CIENFUEGOS	§	IN THE DISTRICT COURT
	§	
VS.	§	138 <sup>TH</sup> JUDICIAL DISTRICT
	§	
TARGET CORPORATION	§	CAMERON COUNTY, TEXAS

**DEFENDANT'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, TARGET CORPORATION, and hereby makes and files this its Original Answer to Plaintiff's Original Petition, and in support hereof would show the Court as follows:

## I.

**GENERAL DENIAL**

Defendant denies each and every, all and singular, the allegations in Plaintiff's Original Petition, and says that they are not true, in whole or in part, and demands strict proof thereof on the trial of this cause.

**WHEREFORE, PREMISES CONSIDERED,** Defendant TARGET CORPORATION, respectfully prays that Plaintiff take nothing from this Defendant and that the Court enter a judgment dismissing all claims against this Defendant with prejudice and awarding all costs of court and expenses incurred herein, and for such other and further relief, at law and in equity, general or special, to which this Defendant might show itself to be justly entitled to receive.

Respectfully submitted,

HODGE & JAMES, L.L.P.  
Attorneys at Law  
P.O. Box 534329 (78553)  
1617 E. Tyler Ave., Suite A  
Harlingen, Texas 78550  
Telephone: (956) 425-7400  
Facsimile: (956) 425-7707

*/s/ Anthony B. James*

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Anthony B. James  
State Bar No. 10537300  
Email: [ajames@hodgejames.com](mailto:ajames@hodgejames.com)

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Defendant's Original Answer, has been served on the 17<sup>th</sup> day of November, 2020, to all attorneys of record electronic mail as follows:

Email: [ignacio@martinezlegal.com](mailto:ignacio@martinezlegal.com)

Email: [nora@martinezlegal.com](mailto:nora@martinezlegal.com)

Email: [michelle@martinezlegal.com](mailto:michelle@martinezlegal.com)

Ignacio G. Martinez

The Law Office of Ignacio G. Martinez

1205 N. Expressway, Suite A

Brownsville, Texas 78520

*Attorney for Plaintiff*

*/s/ Anthony B. James*

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Anthony B. James